

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**SHABANA HUSSAIN, individually and  
on behalf of all others similarly situated,**

**Plaintiff,**

**v.**

**Case No: 5:20-cv-38-Oc-30PRL**

**SULLIVAN BUICK-CADILLAC-GMC  
TRUCK, INC., SYNERGY  
MARKETING ADVISORS, INC. D/B/A  
SYNERGY RESOURCE ADVISORS and  
STRATICS NETWORKS, INC.,**

**Defendants.**

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**ORDER**

Before the court is Plaintiff's motion to compel Defendant Stratics Networks, Inc. to respond to outstanding discovery requests. (Doc. 57). Stratics did not respond to the motion and the time for doing so has expired. According to the emails attached to the motion, Stratics is not participating in the litigation because its motion to vacate and dismiss for lack of personal jurisdiction is still pending before the court. (Doc. 57-3). Stratics represented that if the motion is denied, it will begin to participate in the litigation.

Typically, the filing of a motion to dismiss does not stay discovery. See Middle District of Florida Discovery Handbook (2015) at 5. If a defendant seeks to avoid responding to discovery, the proper mechanism is the filing of a protective order. *Id.* at 22. For the sake of consistency, however, this court will follow the course taken in a parallel case under the same facts in the Orlando Division. *See Toney v. Advantage Chrysler-Dodge-Jeep, Inc.*, Case No. 6:20-cv-182, Doc. 75 (M.D. Fla. October 30, 2020).

Accordingly, Plaintiff's motion to compel (Doc. 57) is denied without prejudice. Plaintiff may file a renewed motion to compel if Stratics' motion to vacate and dismiss is resolved in Plaintiff's favor.

**DONE** and **ORDERED** in Ocala, Florida on November 19, 2020.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties